Motion put and carried.

Mr C. J. Mathew :— The title of the Bill is "The Cochin Trade Unions Bill".

Mr. Thomas Manjuran :— I further move that the Bill, although not of a very controversial nature, may, containing as it does very important provisions of a far-reaching character, be referred to a Select Committee. I propose the following names as members of the Select Committee:— Messrs. P. Krishna Menon, P. Kumaran Ezhuthassan, Paul Mampilli, K. Ayyappan, K. M. Ibrahim, T. A. Ramachandra Ayyar and the Government Advocate.

Motion put and carried.

President :— I nominate the Government Advocate as the Chairman of the Committee. The committee will report in 3 months.

The Cochin Criminal Law Amendment Bill.

Mr. Thomas Manjuran :— I rise to move that "The Cochin Criminal Law Amendment Bill" be read in Council.

Mr. C. J. Mathew:— I second it.

Mr. Thomas Manjuran :— This Bill deals with the offence of what is known as criminal conspiracy. Although this Bill is drawn up exactly in the language of an existing measure in British India, since it contains provisions of a rather important and far-reaching nature, I think it would be advisable to refer this Bill also to a Select Committee. I would hence move that the Bill be read in Council.

Mr. E. Ikkanda Warriar :— I oppose the introduction of the Bill itself, because it will commit us to the position of having accepted the principle of the Bill. When it is referred to a Select Committee, we will be told "You have not opposed the Bill when it was introduced. So you cannot oppose it now." If we don't oppose the Bill at this stage, we will be estopped from opposing the Bill at the committee stage.

Mr. Thomas Manjuran:— I shall read the provisions of the Bill.

"When two or more persons agree to do, or cause to be done,—

(1) An illegal act or,

(2) An act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

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Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation:— It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

115 B. (1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence,

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both".

4. In section 172, sub-section (3), of the Code of Criminal Procedure, before the words "the abetment" the words "criminal conspiracies to commit such offences and to" shall be inserted.

5. After section 173 of the Code of Criminal Procedure, the following sections shall be inserted, namely:—

No court shall take cognisance of the offence of criminal conspiracy punishable under section 115-B of the Cochin Penal Code,

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 173 apply, unless upon complaint made by, order or under authority from the Government or some officer empowered by the Government in this behalf, or

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence, not punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, unless the Government or the District Magistrate empowered in this behalf by the Government has by order in writing, consented to the initiation of the proceedings:

Provided that where the criminal conspiracy is one to which the provisions of sub-section (3) of section 172 apply, no such consent shall be necessary.

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173-B. In the case of any offence in respect of which the provisions of section 173 or section 173-A apply, the District Magistrate may, notwithstanding anything in those sections or in any other part of this Code, order a preliminary investigation by a Police Officer not being below the rank of Inspector, in which case such Police Officer shall have the powers referred to in section 136, sub-section (3)".

That is to say, the idea is to constitute the offence of criminal conspiracy into a substantive offence. This has been a long-felt desideratum in our Penal Code. When I say that this law has been there in both the Indian and Travancore Penal Codes, the Hon'ble Members will at once say "that is no reason why this law should be introduced here". If it is proved that a conspiracy for committing felony or other offence exists, unless there is some such provision, it is not possible to deal with such offence. I submit that at this stage the matter may be referred to a select committee and the select committee may examine the matter. Merely because the Bill is referred to a select committee it does not mean that the principle of the Bill is accepted by the House. It only means that the select committee will see what portion is acceptable and what portion is not.

Mr. P. Kumaran Ezhuthassan :— May I point out the provisions contained in sub-section (3) of Standing Order 31 which say that if the motion be seconded, the principle of the Bill and the general provisions may be discussed.

Mr. Thomas Manjuran :— At this stage, I thought that the Hon'ble Members will not be very keen in having a discussion. This is a matter which can be elaborately discussed at a later stage. But if the Hon'ble Members want it, I have no objection.

Mr. E. Ikkanda Warriar:— May I know from the Law Member whether there has been any special case where it was not possible for the Government to manage with the existing law ? What is the special necessity to pass this Bill ?

Mr. Thomas Manjuran :— We are now introducing the Trade Unions Bill. The Trade Unions Bill is bound to contain a reference about criminal conspiracy. When a reference to criminal conspiracy is made in the Trade Unions Bill, we have to amend the Penal Code accordingly. That is the reason that has provoked the introduction of this Bill now.

Motion put and carried.

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Mr. C. J. Mathew:— The title of the Bill is "The Cochin Criminal Law Amendment Bill".

Mr. Thomas Manjuran :— I beg to move that the Bill may be submitted for the examination of a Select Committee consisting of the following members:

Mr. K. G. Nayar,
The Police Commissioner,
Mr. M. A. Chakko,
Mr. A. Sankara Poduval,
Mr. Joseph Pettah,
Dr. A. R. Menon, and
The Government Advocate.

Mr. K. M. Ibrahim:— I propose the name of Mr. K. T. Mathew.

Mr. Thomas Manjuran :— Why I am not including the Hon'ble Member's name is that being the Deputy President, he has necessarily to be the Chairman of the Committee and as such he has to be the convener. Being away in Colombo, I thought it would be impracticable to get him.

Mr. K. Ayyappan :— I propose the name of Mr. Ikkanda Warriar.

Mr. Thomas Manjuran :— His name figures in another committee to be consituted presently and that is a committee of lawyers exclusively. If he is willing to act on this committee, I have no objection. What I thought was that I was not justified in troubling the Hon'ble Members too much.

President :— Therefore, the committee will consist of Mr. K. G. Nayar the Police Commissioner, Mr. M. A. Chakko, Mr. A. Sankara Poduval, Mr. Joseph Pettah, Dr. A. R. Menon, Mr. E. Ikkanda Warriar and the Government Advocate. I appoint the Government Advocate as the Chairman. The committee will report in 3 months.

Bill to amend the Cochin Municipal Regulation XI of 1096.

Mr. Thomas Manjuran :— I beg to introduce a Bill to amend the Cochin Municipal Regulation XI of 1096. Under the existing Municipal Regulation, section 237 reads:—

"The Government may by notification issued after previous publication—

(a) constitute any specified area into a minor municipality and extend to it the provisions of this Regulation subject to such restrictions and modifications as they think fit;

(b) enforce either permanently or temporarily all or any of the provisions of this Regulation relating to scavenging, nuisances, licenses

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